LOCAL SELF-GOVERNMENT DEPARTMENT.

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RESOLUTION

REVIEWING

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No. 4557-L. S.-G.

GOVERNMENT OF BIHAR.

LOCAL SELF-GOVERNMENT DEPARTMENT.

RESOLUTION.

Patna, the 15th August 1938.

SUBJECT.—Resolution on the working of union boards and panchayats in Bihar during the year 1936-37.

READ—

THE reports of Commissioners of Divisions on the working of union boards and panchayats in Bihar during the year 1936-37.

1. *Preliminary.*—The total number of union boards in the province as also their distribution by divisions remained the same as in the preceding year. Due to their unwieldy composition, nine union boards in the district of Patna were split up into 20 smaller ones but these were not duly constituted before the close of the year. There was no change in the jurisdiction of any other union board in the province except that in the district of Bhagalpur, village Pirdouri was excluded from the Gangania union board and included in the Sultanganj union board. The area under the Kako union board in the district of Gaya is reported to be unwieldy.

2. *Chaukidari work.*—The relations between the union boards and the Police and the Magistracy are reported to have been generally cordial as in the previous year except in a few cases where there were misunderstandings over the appointment of and control over chaukidars. The actual cases of dispute were satisfactorily settled by the intervention of the subdivisional officers. Nominations by union boards for the appointment of chaukidars were generally submitted punctually and accepted by subdivisional magistrates. But as in the last year, the union boards in the Hajipur subdivision kept up their tradition of unpunctuality in the matter. In most of the union boards, the system of periodical muster parades was continued. This system has justified its utility, as the muster parades enable the executives to gather first-hand information regarding epidemics and other occurrences in villages. Union boards which have not adopted this system will be well advised to follow the practice of the other boards. The attendance of chaukidars at these parades is reported to have been satisfactory. In the Tirhut Division, parades were held in all the union boards except Naini, Ekma and Mashrak in the district of Saran. Similarly, in the Patna Division, they were held in all union boards except the Raniganj-Imamganj union board. In the Bhagalpur Division, they were held in only two out of six union boards where Part III of the Village Administration Act is in force. Government's repeated advice to union boards to make proper use of their powers for rewarding chaukidars for their good work appears to have had little effect. While the boards used their powers of punishment with discretion, it is a pity that recommendations for rewards for good work were not made adequately. Only a few union boards in the Bettiah subdivision of the district of Champaran were exceptions and realised the advantages of giving rewards. The general attitude in the matter is bound to have a discouraging effect on chaukidars and Government hope that in future union boards will realize their responsibility and be more considerate in this matter. Payment of salaries and equipment money to chaukidars and dafadars appears to have been generally regular except notably

in the cases of the Harnaut, Kako, Arwal, Chaugain, Ekma, Guthni, Mehsi, Madhurapur, Dharhara, Dighi union boards and of those in the Sitamarhi subdivision.

The assessment of the chaukidari tax is reported to have been generally fair throughout the province. A few instances of under-assessment were detected in the case of Aghanagar union board in the district of Muzaffarpur. Considerable delay occurred in the preparation of the assessment list of the Maner union board in the district of Patna. The tax in the villages under the Dhanouti-Ramnath union board in the district of Muzaffarpur had to be reduced due to the distressing condition of the inhabitants and after an enquiry by the Special Officer. In the district of Purnea, the fixation of a certain proportion of the annual income of tax-payers for purposes of assessment is reported to have given general satisfaction.

In the Patna Division, collections are reported to have been generally satisfactory. In the Tirhut Division, collections in the Darbhanga and Saran districts were fair except in the Ekma union in the latter district where a tahsildar had to be deputed by the Subdivisional Magistrate. Collections in Muzaffarpur were lower than in the preceding year while in Champaran they were generally unsatisfactory except in the Sagauli and Bagaha unions. The union boards in the Bhagalpur Division also had no better record in this respect, the divisional percentage of outstanding balance on current demand showing a marked increase over the corresponding percentage in the preceding year. It is true that in certain cases such as in the Sadr subdivision of the district of Muzaffarpur, in the Madhwapur board in the Samastipur subdivision and in Arraria and Kishanganj union boards, low collections might be attributed to such causes as floods or malaria. But in general they must be set down to the usual unwillingness on the part of executives to resort to the issue of distress warrants for fear of losing popularity. Government regret to note that in the year under review the divisional percentages of outstanding balance on current demand showed a marked increase in the cases of all the three divisions where union boards have chaukidari powers — from 14·7, 19·38 and 30·14, during the preceding year to 18·29, 21·12, and 35·56 respectively in the Tirhut, Patna and Bhagalpur Divisions.

3. *Judicial work—Panchayats.*—Table III appended to this resolution gives a statistical analysis of the judicial work done by Panchayats constituted under the Bihar and Orissa Village Administration Act. The distribution of Panchayats during the year under review was 6, 3 and 110, respectively in the Patna, Bhagalpur and Tirhut Divisions. There was an increase in the number of civil suits but a slight decrease in the number of criminal cases instituted, during the year. But the number of criminal cases transferred to panchayats by regular courts increased and that of civil suits decreased; Nineteen criminal cases and no civil suit had to be transferred by the panchayats to the regular courts. There was a slight increase in the civil suits compromised but a substantial drop in the number of criminal cases. The number of cases dismissed for default was 441 criminal and 1,026 civil, respectively, against 592 and 1,177 in the previous year. In 282 criminal cases and 225 civil suits against 246 and 347 respectively in the previous year, the accused or the defendant objected to trial by panchayats. There was an increase in the number of cases disposed of on the first appearance and such speedy disposal of petty cases is a welcome sign. There is still room for improvement in this respect. In Muzaffarpur, where the number of panchayats is the largest, the courts are reported to have sat regularly and disposed of cases and suits according to the prescribed procedure. The disposal of cases in the districts of Darbhanga and Patna also was fair. Delays in disposal, which could reasonably be avoided, are reported to have been made by the Kako union board in the district of Gaya. The Fatwah union board was slack in the realisation of decrees. The three union board panchayats in the Bhagalpur Division have not enjoyed the confidence of the litigant public. This is apparent from the increase in the number of cases in which the accused objected to trial by the panchayats and the cases had to be directed to the proper courts. These panchayats should try to regain confidence

by improving the nature of their work. While the number of criminal cases transferred to the panchayats by the regular courts, was fair, the number of civil suits transferred was discouraging. More encouragement than they have hitherto received, should be given to these village courts by the regular courts.

4. *Taxation, income and expenditure.*—There was a remarkable rise in the average figure of the grants-in-aid made by district boards in the Tirhut and Bhagalpur Divisions under section 5 of the Bihar and Orissa Village Administration Act. The rise in the Tirhut Division was from 381·36 per union board to 1,149 ; and that in the Bhagalpur Division was from 95·65 to 2908·2. The average in the Patna Division remained practically the same as in the last year while in the Chota Nagpur Division there was an increase from 730·4 to 814·6. The position in regard to district board contributions was thus on the whole satisfactory. But it is striking to note that as in previous years in the Tirhut Division, the Muzaffarpur district board which has under its control the largest number of union boards in the whole province, made the smallest contribution to these boards, viz., Rs. 1,247, the Saran, Champaran and Darbhanga district boards having contributed Rs. 11,450, Rs. 8,420 and Rs. 7,383 respectively.

The same number of union boards as in the preceding year levied the union tax except that in the Muzaffarpur district 27 union boards against 28 in the last year levied the tax. There were slight increases in the average union tax imposed by the union boards in the Tirhut and Patna Divisions whereas there was decrease in the Bhagalpur and Chota Nagpur Divisions. Assessments appear to have been fair throughout except in the district of Gaya, where they were disproportionate to the assets of rate-payers. Collections were generally fair except in Shikarpur and Chainpatia in Champaran, Arwal in Gaya, most of the boards in the district of Purnea, in Naugachia, Sultanganj and Banka in Bhagalpur, Telaya, Mirzaganj, Barkisarai in Hazaribagh, Gumla in Ranchi and Garhwa and Hussainabad in Palamau. The provincial percentage of outstanding balance on current demand rose from 35·3 to 43·82, all the divisions contributing to the rise which was most marked in the Bhagalpur and Chota Nagpur Divisions.

There was increased expenditure in the Bhagalpur Division over "Establishment", in the Patna Division over "roads and water-supply", and in the Chota Nagpur Division over conservancy. Larger expenditure than in the preceding year over "Drainage" was incurred in all the divisions except the Patna Division. It is gratifying to note that the expenditure over 'Education' was larger in all the divisions. Greater attention should be given to sanitation, the activities in this direction being very meagre hitherto. But nothing appreciable can be expected unless the boards which have existed for some years now seriously consider augmenting their income through levy of union-tax.

5. *General.*—The working of the Bihar and Orissa Village Administration Act during the year under review has not shown any sign of improvement. Apathy on the part of district boards and union board executives combined as usual to produce a situation which could hardly allow the union boards to undertake works of public utility or shoulder much responsibility. District boards appear to have taken little interest in the affairs of union boards and often been unsympathetic in giving adequate grants-in-aid to them. On the other hand the union boards themselves are unwilling to court unpopularity by imposing the union tax, their chief aim being to get panchayati powers. The refusal of the district boards to continue or increase their contributions cannot be criticised when union boards themselves impose no union tax as it is not fair that part of cess income derived from the whole district should be for ever earmarked for the use of inhabitants of particular areas unless these areas impose an equal amount of taxation themselves. This is the accepted principle in the Village Administration Act. It is time that the boards in general and those of the Patna district in particular acted upon the repeated advice of Government, and imposed the union tax. Even where the tax is

imposed the assessment in many cases is not sufficient to bring in an income sufficient to enable the union boards to do any appreciable measure of public good or extend their present activities. In the matter of collections there is a marked tendency as in the district of Purnea to avoid recourse to coercive measures against defaulters provided for by the law. The public have still shown little enthusiasm in the administration of these boards, nor have those volunteering to become members shown much public spirit or keenness to improve matters. Judicial functions, according to the Commissioner of the Tirhut Division, are often abused and the chaukidari taxes of political opponents are unduly enhanced. District boards, notably the Saran district board, did not always exercise their powers of nominating members of union boards with discretion. Nominations have often gone to men not residing within the jurisdiction of boards concerned with the result that attendance at meetings naturally suffered. The union boards in the district of Saran (except the Sonepur union board), Purnea, the Sadr subdivision of Champaran, the Gangania, Banka and Supaul union boards in the district of Bhagalpur, Mirzaganj and Ichak union boards in Hazaribagh district, and Bundu and Gumla union boards in Ranchi and Garhwa and Hussainabad in Palamau have been mentioned by the local officers, for holding regular meetings or having attained the prescribed standard of meetings. The district board of Muzaffarpur has not yet given effect to its resolution passed so far back as in 1933 for transferring to union boards the control over primary education, pounds, and ferries and the local officers are of opinion that this should be done. There was no improvement in the working of the Naugachia union board in Bhagalpur in spite of repeated warnings. The administration of the Rahmatpur union board in the district of Darbhanga was paralysed by internal factions. The work of the Nabinagar union board in Gaya is reported to have been unsatisfactory. On the other hand, the Fatwah, Khusrupur, Harnaut and Mokameh union boards in the district of Patna deserve to be mentioned for their satisfactory work towards the upkeep of roads, water-supply and drainage. Sanitary, conservancy and lighting arrangements were also satisfactory in the areas under the two union boards in the district of Palamau. While the Tilakpur union board spent nothing over conservancy, the Banka and Supaul union boards in Bhagalpur spent appreciable sums over it. The Jamhore union board in the district of Gaya continued to register births and deaths and impart free compulsory education within its jurisdiction. As a result of inefficient management the Kako and Nabinagar union boards were deprived of their control over educational institutions. One upper primary and three additional lower primary schools were opened during the year in the Silao union board which pays stipends to *gurus*, but one school under the Bihar union board had to be closed down for want of public interest in it. The control over schools has been transferred to union boards by the Bhagalpur and Purnea district boards which pay adequate grants-in-aid for the maintenance of the schools. Some of the union boards in Purnea have also their own schools notably Korha which has a Harijan school. There is a rural uplift school for boys and girls in Musapur in the same district and at Barari there are two night schools for Mushar boys. A tank is also being excavated at Musapur. The Hazaribagh district board has transferred the control of primary schools to all union boards except Barkisarya and Dhanwar. There was no complaint with regard to the management of the union boards in Ranchi. The Araria union board in Purnea maintains a Homœopathic dispensary.

The number of inspections by local officers and the Special officers of union boards was fair but district board members and executives showed little interest in inspecting the work of union boards.

Government desire to express their thanks to the local officers for their reports on the working of union boards.

By order of the Governor of Bihar,

C. S. JHA,

Secretary to Government.

MEMO. NO. 4557-L. S.-G.

Dated Patna, the 15th August 1938.

COPY forwarded to the Commissioners of Divisions for information. District boards and union boards have been supplied copies through District Officers.

By order of the Governor of Bihar,

P. DAYAL,

Assistant Secretary to Government.

MEMO. NO. 4557-L. S.-G.

Dated Patna, the 15th August 1938.

COPY forwarded to all District Officers except the District Officers of the Santhal Parganas, Manbhum and Singhbhum, for information and for communication to district and union boards.

By order of the Governor of Bihar,

P. DAYAL,

Assistant Secretary to Government.

MEMO. NO. 4557-L. S.-G.

Dated Patna, the 15th August 1938.

COPY forwarded to the Political / Judicial / Education Department, for information.

By order of the Governor of Bihar,

P. DAYAL,

Assistant Secretary to Government.

Statistical Table I (General).

—	Tirhut Division.	Patna Division.	Bhagalpur Division.	Chota Nagpur Division.	Provincial figures.
1	2	3	4	5	6
1. Total number of union boards.	80	19	26	10	135
2. Number of union boards with area exceeding—					
(*a*) 5 square miles ..	69	16	22	5	112
(*b*) 10 ,, ,, ..	36	13	21	1	71
3. Total population ..	843,944	348,628	341,131	54,354	1,588,057
4. Number of union boards with population exceeding 10,000.	43	11	12	1	67
5. Total voters ..	70,331	50,962	33,412	5,906	..
6. Number of union boards with voters exceeding 1,000.	27	15	13	2	57
7. Number of union boards exercising powers under part III.	79	19	22	Nil	120
8. Number of union boards exercising powers under part V.	70	6	3	Nil	79

Statistical Table II (Income and expenditure).

—	Tirhut Division.	Patna Division.	Bhagalpur Division.	Chot Nagpure Division.	Figures for the province.
1	2	3	4	5	6
1. Average union fund—opening balance of union boards.	224·55	1120·78	1314·44	492·8	788·12
2. Average union tax imposed in union boards which impose it.	275·64	575·8	796·2	663·8	577·86
3. Average grants made by district boards under section 51 of the Act.	1,140	3889·58	2908·2	814·6	2188·09
4. Average income other than chaukidari.	933·7	5975·73	5770·36	2570·3	2812 52
5. Expenditure on—	Rs.	Rs.	Rs.	Rs.	Rs.
(*a*) Establishment other than chaukidari.	4,189	5,090	8,026	1,178	18,483
(*b*) Roads ..	4,660	6,108	15,164	2,601	28,533
(*c*) Water-supply ..	3,396	5,743	11,376	869	21,384
(*d*) Drainage ..	1,073	3,476	1,208	1,312	7,069
(*e*) Conservancy ..	3,656	10,917	4,096	6,399	25,068
(*f*) Education ..	24,062	53,380	50,115	4,430	1,31,987
(*g*) Medical relief ..	444	52	374	407	1,277
6. Percentage of outstanding balance on current demands—					
(*a*) For chaukidari tax..	18·29	21·12	35·56	..	24·32
(*b*) For union tax ..	30·31	38·68	74·76	28·65	43·82

Statistical Table III (Judicial).

—	Tirhut Division.	Muzaffarpur district.	Patna Division.	Bhagalpur Division.	Provincial Total.
1	2	3	4	5	6
1. Total number of panchayats.	110	94	6	3	119
2 Number of cases instituted—					
(a) Criminal ..	2,111	1,785	87	240	2,438
(b) Civil	7,263	5,842	1,065	539	8,867
3. Number of cases transferred to panchayat—					
(a) Criminal ..	56	51	1	32	89
(b) Civil ..	7	7	3	1	11
4. Number of cases transferred to Courts by panchayats—					
(a) Criminal ..	16	16	..	3	19
(b) Civil	..	..	..	..	..
5. Number of cases for disposal—					
(a) Criminal ..	2,319	1,973	92	294	2,705
(b) Civil	7,838	6,191	1,240	655	9,733
6. Number of cases dismissed for default—					
(a) Criminal ...	431	373	6	4	441
(b) Civil	851	755	78	97	1,026
7. Number of cases in which the accused or defendant objected to trial—					
(a) Criminal ..	238	216	13	31	282
(b) Civil	180	126	32	13	225
8. Number of cases disposed of on first appearance—					
(a) Criminal ..	597	495	15	62	674
(b) Civil ...	911	717	197	121	1,229
9. Number of cases disposed on 3rd appearance—					
(a) Criminal ..	648	528	43	101	792
(b) Civil ..	1,430	930	530	412	2,372
10. Number of criminal cases—					
(a) Convicted ..	223	163	19	42	284
(b) Acquitted ..	345	310	22	37	404
(c) Compromised ..	1,105	970	64	110	1,279
11. Number of civil suits decided—					
(a) For plaintiff ..	1,674	1 251	321	92	2,087
(b) For defendant ..	502	396	127	29	658
(c) Compromised ..	1,619	1,380	164	249	2,032